

Athol Police Department
Summons ReportPage: 1
05/03/2013Summons #: 13-229-AR
Call #: 13-4449Date/Time Reported: 05/02/2013 @ 1017
Arrest Date/Time: 05/03/2013 @ 0715
OBTN: TATH201300229
Reporting Officer: Patrol Officer Thomas Cummings

Signature: _____

	DISPOSITION	SEX	AGE	STATUS	PHONE
1	GRAY, JUDITH D 463 HARVARD AVE ATHOL MA 01331-3003	F	W	57	978-249-2386
Military Active Duty: N					
HEIGHT: 510 WEIGHT: 170 HAIR: BROWN EYES: BROWN					
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.					
DOB: [REDACTED] PLACE OF BIRTH: NOT AVAIL.					
LICENSE NUMBER: ETHNICITY: NOT HISPANIC					

[CONTACT INFORMATION]

Home Phone (Primary) 978-249-2386

[APPEARANCE]

GLASSES WORN: NO

ALIAS LAST NAME FIRST NAME MIDDLE NAME SSN DOB
GRAY JUDITH D NOT AVAIL [REDACTED]

	OFFENSE	TYPE	DATE OCCURRED	ZONE	DESCRIPTION
1	ASSAULT ON A POLICE OFFICER 265/13A	265 13A	OCCURRED: 05/02/2013	N	Misdemeanor
2	RESISTING ARREST 268/32	268 32	OCCURRED: 05/02/2013	N	Misdemeanor
3	DISTURBING THE PEACE 272/53	272 53	OCCURRED: 05/02/2013	N	Misdemeanor
4	DISORDERLY PERSON 272/53	272 53	OCCURRED: 05/03/2013	N	Misdemeanor

NARRATIVE FOR PATROL OFFICER THOMAS A CUMMINGS

Ref: 13-229-AR

Entered: 05/03/2013 @ 0723 Entry ID: 119
Modified: 05/03/2013 @ 0818 Modified ID: 119

On Thursday, May 2nd, 2013, Officer Thomas Cummings was working the 0700 - 1500 hours shift, assigned to cruiser 11-1, and was assigned to work the uptown beat.

At approximately 1017 hours, the Athol Memorial Hospital called the Athol Police Department to report Ms. Judith Gray (DOB [REDACTED]) left the hospital and they would like her picked up and brought back. The hospital staff advised Ms. Gray is a section 12 patient (see attached section 12 paperwork for Ms. Gray). The staff also advised that Ms. Gray was wearing a gray shirt, green shorts, and had no shoes on. Officer Cummings responded to the area. It is important to note at approximately 0344 hours earlier this morning, officers working the overnight shift also dealt with Ms. Gray. That call for service is attached to this report. In that call, Ms. Gray was verbally abusive to both the officers and the dispatcher, was yelling profanities, and had to be placed in four (4) point restraints while at the hospital.

A minute or two later, Officer Cummings was on Main Street approaching the intersection of Chestnut Street, when he observed a female party wearing a gray shirt, green shorts, and no shoes, walking on the sidewalk on Main Street, directly at the intersection with Chestnut Street. Officer Cummings radioed into the dispatcher that he has made contact with Ms. Gray, and he gave the dispatcher the location. Officer Cummings pulled his cruiser over and began to get out. Officer Cummings just stepped out of the cruiser and Ms. Gray looked over at him and yelled, "Fuck you!" Officer Cummings advised Ms. Gray that she needs to go back to the hospital. Ms. Gray yelled, "I'm not fucking going back!" Officer Cummings immediately radioed for backup officers to respond.

Ms. Gray continued to walk westbound on the sidewalk on Main Street. Officer Cummings followed behind Ms. Gray explaining to her that she needs to go back to the hospital. Officer Cummings stated many times for Ms. Gray to stop and speak with Officer Cummings. Ms. Gray just kept saying, "Fuck you!" and would continue walking. As Officer Cummings was still following behind Ms. Gray, she stopped abruptly and turned to face Officer Cummings. Ms. Gray looked at Officer Cummings with a thousand yard stare as if she were looking right through Officer Cummings. Ms. Gray's fists were clenched, her teeth were clenched, and Officer Cummings could see her body flex tightly. Ms. Gray yelled to Officer Cummings, "Fuck you!" Officer Cummings was standing approximately five (5) feet away from Ms. Gray, when she all of a sudden began approaching Officer Cummings quickly. Officer Cummings quickly got into a defensive position and he thought Ms. Gray was going to try and harm him. As Ms. Gray approached even closer to Officer Cummings, he reached out with a stiffened arm and grabbed a hold of Ms. Gray's shirt in an attempt to hold her back. Officer Cummings could feel Ms. Gray continuing to push closer to Officer Cummings. Officer Cummings therefore took Ms. Gray to the ground.

Once on the ground, Ms. Gray continued to yell, "Fuck you!" Ms. Gray immediately tucked her arms underneath her chest and flex tightly. Officer Cummings ordered Ms. Gray to stop resisting and to place her hands behind her back. Ms. Gray again yelled, "Fuck you!" Officer Cummings advised Ms. Gray again to stop resisting and to place her hands behind her back. Ms. Gray ignored Officer Cummings' requests. One more time, Officer Cummings told Ms. Gray to stop resisting, and that she is going to get tased if she doesn't place her hands behind her back immediately. Ms. Gray stated, "Fucking do it!" Officer Cummings gave one last final demand to stop resisting, and when Ms. Gray refused to listen, Officer Cummings pulled out his department issued Taser X26, removed the cartridge so that it was in the "Drive Stun" mode, placed the Taser in the middle of Ms. Gray's back, and pulled the trigger. As Officer Cummings was holding down the trigger, he was yelling for Ms. Gray to stop resisting and to place her hands behind her back. Officer Cummings held the Taser on Ms. Gray's back for approximately four (4) to five (5) seconds until she finally released her arms from underneath

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her chest and placed them behind her back. Officer Cummings holstered his Taser and placed Ms. Gray in handcuffs. At this point, Officer Todd Neale arrived on scene to assist Officer Cummings.

Once Ms. Gray was handcuffed, she was brought up into a seated position, and was then assisted onto her feet. Officer Cummings radioed to the dispatcher to have an ambulance respond to his location to transport Ms. Gray back up to the hospital. While waiting for the ambulance to arrive, Ms. Gray continued to yell obscenities to random people as they drove by with their windows down. There were also a couple of people pumping gas at the gas station across the street. Ms. Gray was yelling, "Fuck you!" to those people pumping gas. Both Officer Cummings and Officer Neale were telling Ms. Gray to remain quiet. Ms. Gray deliberately ignored the officers requests, and continued to yell obscenities to different people that were out and about on this beautiful sunny day.

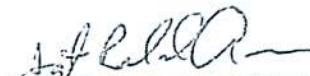
The ambulance arrived on scene a couple of minutes later and Ms. Gray was brought back to the hospital. As Ms. Gray was at the hospital, Officer Cummings took photos of Ms. Gray's back to document any and all marks/injuries she may have gotten from the Taser. Officer Cummings only observed a slight red area on her back where the Taser was placed. No other injuries were observed (see photos of same).

A use of force form was completed by Officer Cummings once he returned back to the station.

Ms. Gray is being summonsed to court for 1) Assault on a Police Officer (c.265/13a), 2) Resisting Arrest (c.268/s.32), 3) Disturbing the Peace (c.272/s.53), and 4) Disorderly Person (c.272/s.53).



Officer Thomas Cummings #119



Sergeant Richard Aucoin #63

For Date: 05/03/2013 - Thursday

<u>Call Number</u>	<u>Time</u>	<u>Call Reason</u>	<u>Action</u>	<u>Priority</u>	<u>Duplicate</u>
13-4439	0344	911 - Domestic Disturbance	N.A.T.		2
		Call Taker: 37 - MacMillan, Lisa			
		Location/Address: 463 HARVARD AVE			
		Jurisdiction: Athol			
		Party Entered By: 05/02/2013 0348 37 - MacMillan, Lisa			
		Modified By: 05/02/2013 0353 37 - MacMillan, Lisa			
		Calling/Inv. Party: GRAY, JUDITH D @ 463 HARVARD AVE - ATHOL, MA 01331-3003 978-249-2386			
		SSN: [REDACTED] DOB: [REDACTED] Race: W Sex: F			
		Party Entered By: 05/02/2013 0355 37 - MacMillan, Lisa			
		Involved Party: STOLAROFF, KAITLYNN T @ 463 HARVARD AVE - ATHOL, MA 01331 978-249-4509			
		SSN: [REDACTED] DOB: [REDACTED] Race: W Sex: F			
		Party Entered By: 05/02/2013 0355 37 - MacMillan, Lisa			
		Involved Party: STOLAROFF, THEODORE C @ 463 HARVARD AVE - ATHOL, MA 01331 978-249-2538			
		SSN: [REDACTED] DOB: [REDACTED] Race: W Sex: M			
		ID: 138 - Paras, Daniel			
		Disp-03:44:00	Arvd-03:47:19 Clrd-04:40:09		
		Location Change: AMH ER - MAIN ST [Modified: 05/02/2013 0416]			
		Jurisdiction: Athol			
		ID: 66 - O'Lari, Albert			
		Disp-03:44:00	Arvd-03:47:19 Clrd-04:40:09		
		Location Change: AMH ER - MAIN ST [Modified: 05/02/2013 0414]			
		Jurisdiction: Athol			
		ID: 21 - Caseila, Christopher			
		Disp-03:45:00	Arvd-03:47:18 Clrd-04:40:09		
		Location Change: AMH ER - MAIN ST [Modified: 05/02/2013 0415]			
		Jurisdiction: Athol			
		Narrative: 05/02/2013 0408 MacMillan, Lisa			
		Modified By: 05/02/2013 0412 MacMillan, Lisa			
		911 - caller requesting a police officer respond to her home as she states her daughter and husband are fighting.			
		0404 - 66 is transporting Judith Gray to AMH ER for evaluation. AMH was called and advised of her information.			
		21 and 138 are following transport.			
		Transport from 463 Harvard Ave to AMH ER in cruiser 112			
		Start [REDACTED] Finish [REDACTED]			
		Mileage 52840 @ 0404 hrs Mileage 52841.4 @ 0410 off			
		0406 - per 21, another call to AMH ER to advise to have four point restraints ready.			
		***** NFP *****			
		Dispatcher attempted to confirm 911 information. When the caller was asked for her name she stated "just put me through to an officer. Fuck you, you cunt. Eat me bitch. You better call a fucking officer 'cause you're gonna need one".			
		Narrative: 05/02/2013 0602 Paras, Daniel			
		Spoke with Kaitlyn Stolaroff who stated her mother, Judith Gray, suffers from Manic Depression and was becoming verbally aggressive. While speaking with Mrs. Gray, she became extremely agitated, shouted random profanities, and threw small objects. Mrs. Gray was transported to AMH by 66 for an evaluation.			

EXHIBIT 4
COMINGS
M. CATHY REPORTING SERVICE
8/17/15, DL



Athol Police Department

Use of Force Reporting Form

Date of Inc.	Time of Inc.	Call #	Reporting Officer	Location of Incident
5-2-2013	1017	13-44449	Comings	Main Street

Type of Force Deployed - Check all that apply:

 - Firearm - O.C. Spray - Physical Techniques - Taser / Drive Stun - Baton - Other: _____

Subject upon who the force was used: (use additional forms for bystander injuries)

Last: GrayFirst: JudithMI: DNo: 463 Street: Harvard Ave City: Athol State: MA Zip: 01331DOB: [REDACTED] SS #: [REDACTED] Race: White - Male - FemaleTel. No.: 978-249-2386 - InjuredTransported to: Athol Memorial Hospital

Describe nature & severity of injuries, actions & behavior following the use of force, treatment provided, & any preexisting medical/mental health conditions: Female was taken to the ground and suffered a slight cut on her elbow. She also obtained a minor abrasion on her knee. Very minor reddening was observed on her back in the area where the Taser was used. She had an assaultive and disorderly behavior prior to the use of the Taser. She also had mental health issues to which a section 12 had been issued for.

Witness Information: (use additional forms for multiple witnesses)

Last: _____ First: _____ MI: _____

No: _____ Street: _____ City: _____ State: _____ Zip: _____

DOB: _____ SS #: _____ Race: _____ - Male - Female

Tel. No.: _____

Officer Injury Information: (use additional forms for multiple officer injuries)

Officer Name: _____ I.D. No.: _____

Describe nature & severity of injuries and treatment provided:

* Note: Department I.O.D. forms need to be completed in addition to this report on all officer injuries.

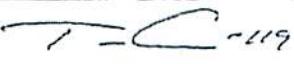
Subject Behavior/Causing Use of Force Option: Assaultive behavior from the female. After she was taken to the ground, she was laying with her arms under her chest and was refusing to take them out.

Manner of Deployment: Removed the cartridge and performed a Drive Stun. Approximately 4-6 seconds was applied to the middle of her back.

* Explain the # of rounds expended, duration of spray, # of baton strikes, techniques utilized, or # of and duration of electronic discharges.

Effect of the Force on Subject: After a few seconds from the Drive Stun, she removed her arms from under her chest and put them right behind her back.

* Describe the effect of the use of force on the subject, including resultant injuries & preexisting medical/mental health conditions.

Submitting Officer's Signature: 	Date: 5-2-2013
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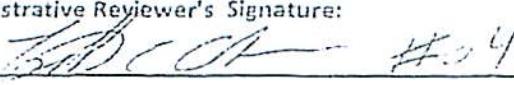
Supervisor Comments:

APPEARS CORRECT USAGE OF TASER WAS APPLIED WITH RESPECT TO DEPT. RULES & REGS.

Supervisor's Signature: 	Date: 05-02-2013
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Administrative Review Comments:

Noted

Administrative Reviewer's Signature: 	Date: 5/3/2013
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DEF000441